8: Lužbetak E-4 (no date) 1951 RHl Caucasia RHl

177.87
871
184

Speaking of Russian influence, we must emphasize that nothing tends to unify the marriage and family observances among the mountaineers as much as formal education, formal Russian, and especially Soviet education (*supra*, p. 147).

Russian influence and the consequent change in customary marriage and family law (and we may include changes in Islamic law) are most strongly felt near and in large Russian cities like Grozny, along the coast of the Black and Caspian Sea, and, in general, wherever industrialization is making great strides. It is more strongly felt in the lowlands, less in the highlands, and only slightly in isolated villages.

2. Islamic Influence

177.58
58

Going somewhat deeper into history, we find a second principle, changing and unifying the customary law of the various mountain peoples of Caucasia, Islamic law, known as the *šarî'a*.

(1) A number of *marriage impediments*, e. g., the "waiting period," the impediment of relationship by milk, etc. have either been introduced by Mohammedan missionaries or, at least, greatly modified by Islamic law (pp. 55, 66, 69).

(2) We have observed in not a few instances a conflict between the native *adats* and the *šarî'a*, e. g., the struggle between *obligatory levirate* and Islamic optional levirate (*supra*, p. 73).

(3) Non-virgins are sometimes given *freedom of choice* in mating (*supra*, pp. 78 f), while virgins are not, a practice in full accord with the teaching of the Šâfi'itic School.

(4) Thanks to Islamic influence, genuine *bride price* has throughout North Caucasus tended to become a form of dowry, called *kebin* (*supra*, p. 90).

(5) Penalties for *abduction* (*supra*, pp. 92—96),

(6) *the strict separation of sexes* (*supra*, pp. 106 f, 166),

(7) some *birth* customs, such as, naming of children, etc. (*supra*, pp. 142 f),

(8) some *engagement observances* (*supra*, pp. 100—110),

(9) some *divorce* laws (*supra*, pp. 133—137),

(10) *husband-wife relations* (*supra*, pp. 152—156),

(11) *parent-child relations* (*supra*, pp. 138—149, 187),

(12) certain *penal laws* for sexual offenses (*supra*, p. 171),

(13) *slavery* (*supra*, p. 65),

(14) and the general improvement in the *relative position of sexes*, e. g., acquisition of inheritance rights in Kabardia and Ossetia,[1] the *kebin*, and others—

all have been greatly modified by Islamic law. The *šarî'a* is doubtless one of the main unifyng principles in the marriage and family laws of the Caucasians.

However, the strength of this influence and the opposition against it have not been the same everywhere. Islamism has had very little influence on the marriage and family of the Southern Caucasians, except, of course, in Sakataly

[1] Ladyženskij, "Zur Erforschung der Rechtsgewohnheiten der Bergvölker des Kaukasus," *Zeitsch. f. Ethnologie*, XLII (1930), p. 241.

1 [Sic — Analyst]